REMARKS/ARGUMENTS

Claims 1-2, 4-9, 11-22, 24-25, 27-28, 30-34 are pending in this application.

Claim 4 was objected to as lacking antecedent basis for "the emoticon graphic" limitation in the claim. Claim 4 has been amended to recite "the graphic".

Section 102 Rejections

Claims 1, 2, 4-9, 11-22, 24, 25, 27, and 28 were rejected as anticipated by Gokturk et al. (2003/0235341).

The independent claims have been amended to direct them to the real time processing to create a graphic, as shown in Fig. 4 of the present application, rather than the mapping to existing graphics and emoticons as shown in Fig. 3. Gokturk only shows using emoticons or graphics that are predefined and pre-stored. Gokturk does not show creating emoticons or graphics on the fly, or in real time. Claim 15, which was previously directed to this processing to create graphics, has been amended to clarify that the creation is done in real time. This does not add new matter, as this is described in Fig. 4 and in paragraph 0049.

In addition, Gokturk does not show the claimed user trigger. The office action refers to paragraph 0079 of Gokturk, but the undersigned could find no description of a trigger. Instead, Gokturk seems to automatically translate a facial expression to an avatar.

Claims 4 and 11 have been amended to further specify that the graphic of claim 1 is one of a low resolution image with accentuated expression information (par. 0042), animation (par. 0048), a stylized version of a person's face (par. 0048). These do not add new matter, as they are shown in the referenced paragraphs. Gokturk does not show such graphics.

Claims 5 and 12 have been amended to set forth that the trigger is one of a button press, a camera selection, a voice command, and a gesture. This does not add new matter, as these triggers are described in paragraph 0040. Gokturk does not show such triggers.

Appl. No. 10/767,132
Amdt. dated July 1, 2008
Reply to Office Action of April 1, 2008

PATENT

Section 103 Rejections

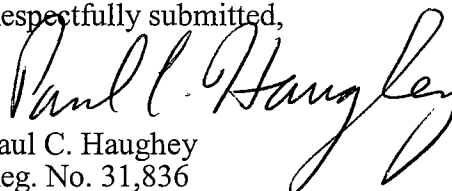Claims 30-34 were rejected as unpatentable by Gokturk (2003/235331) *supra* and Day et al. (7,039,676).

These claims are believed allowable for the same reasons set forth above, due to the amendments made. In addition, claim 31 has been amended to set forth that the gesture itself is not the graphic. This embodiment of the present invention uses the gesture as a trigger to start the processing of the multimedia to generate a graphic on the fly. The gesture is not the graphic, it starts the process. Day shows capturing and sending the gesture itself. Accordingly, the combination does not teach the claims as amended.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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